

LAW OFFICES
GOLDBERG, GODLES, WIENER & WRIGHT
1229 NINETEENTH STREET, N.W.
WASHINGTON, D.C. 20036

ORIGINAL

HENRY GOLDBERG
JOSEPH A. GODLES
JONATHAN WIENER
HENRIETTA WRIGHT
W. KENNETH FERREE

THOMAS G. GHERARDI, P.C.
MARY J. DENT
COUNSEL

EX PARTE OR LATE FILED

DOCKET FILE COPY ORIGINAL
(202) 429-4912
TELECOPIER:
(202) 429-4912

e-mail:
general@g2w2.com

May 15, 1998

EX PARTE

Magalie R. Salas
Secretary
Federal Communications Commission
1919 M Street, NW
Washington, DC 20554

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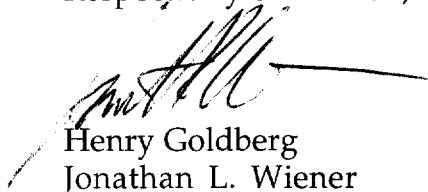
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Re: Ex Parte Report; PR Docket 92-235

Dear Ms. Salas:

Submitted here with, on behalf of Hewlett-Packard Company ("HP"), are two copies of a letter submitted by HP to various members of the Commission, in connection with this docket.

Respectfully submitted,


Henry Goldberg
Jonathan L. Wiener
Attorneys for Hewlett-Packard

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*Cynthia P. Danaher
Vice President &
Group General Manager
Medical Products Group*

May 7, 1998

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BY FACSIMILE AND HAND DELIVERY

MAY 15 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

William E. Kennard, Chairman
Federal Communications Commission
1919 M Street, N.W., Room 814
Washington, DC 20554

Dear Chairman Kennard:

Hewlett-Packard has learned that the Commission is about to issue a Public Notice concluding one aspect of its private land mobile radio (PLMR) "refarming" proceeding (PR Docket 92-235) in a manner that will jeopardize the continued operation of tens of thousands of low-power medical telemetry devices that operate in the 450-470 MHz UHF PLMR band under Part 90. These devices are critical to the care and safety of cardiac patients in hospitals across the country. HP urges the Commission to address this problem before issuing the Notice.

The Public Notice would lift the freeze on the licensing of high-power radio transmitters on the same frequencies used by medical telemetry, which would render the frequencies unusable for telemetry. The Commission originally instituted the freeze because there was no plan to protect low-power users, including medical telemetry. There is still no low-power plan that would provide telemetry with alternative frequencies in the band with even the existing level of interference. Yet lifting the freeze would give hospitals only seven months to relocate to these non-existent alternative frequencies.

Hospitals have long used telemetry to continuously monitor electrocardiograph and other critical information on cardiac patients while allowing the patients to become ambulatory as quickly as possible. Walking is an important element in a cardiac patient's recovery, but this exercise may bring on dangerous heart arrhythmias, which must be detected and treated promptly. Patient-worn telemetry transmitters are, therefore, a key tool in the safe and prompt recovery of these patients.

Lifting the freeze could not come at a worse time for hospitals, which are also seeing VHF frequencies on which they have long operated telemetry systems being assigned to new digital TV broadcast stations. It is urgent that the freeze be maintained until an effective solution is

developed to protect Part 90 medical telemetry operations. One solution, which HP has advocated, would involve the creation of a very low-power "safe harbor" in the band, but this can only be developed if the FCC works directly with all affected industry groups. In any case, the current plan to lift the freeze and then work out a solution will create a great deal of confusion among hospitals and place cardiac patients at risk.

Very truly yours,

HEWLETT-PACKARD COMPANY

By:



Cynthia P. Danaher
Vice President and
Group General Manager
Medical Products Group

cc: Commissioner Harold Furchtgott-Roth
Commissioner Susan P. Ness
Commissioner Michael K. Powell
Commissioner Gloria Tristani
Daniel Phythyon, Chief, Wireless Telecommunications Bureau
Rosalind K. Allen, Duty Chief, Wireless Telecommunications Bureau
Ari Q. Fitzgerald, Esq.



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